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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/629,572      | 07/30/2003  | Zdravko Kovac        | A-9727G             | 6463             |

181 7590 06/22/2005

MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/629,572

Applicant(s)

KOVAC, ZDRAVKO

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

Claim 15 is objected to because of the following informalities: In claim 1, line 5; "by" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 4 and 18, it is unclear what is intended by "longitudinally of the sleeve". The claims were examined as best understood.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 7-12, 15, 17, 19 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Braun (US 6,623,226). In the embodiment of Figs. 11 and 12,

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Braun discloses a holding device (18) in combination with a bolt (3, see Fig. 1) and body (2, Fig. 1) having a bore. The holding device is made a flexible plastic and is in the shape of a cylindrical sleeve received in the bore and includes an annular bead (27) extending circumferentially inwardly from a central location on the inner surface of the sleeve. The bead is shown to be rectangular in cross section (see Fig. 11) and having a slot interrupting its circumference (see Fig. 10) and since the bead is capable of bending as the bolt is inserted it is considered to be hinged. There is further disclosed the method wherein the holding device is inserted in the bore then the bolt is inserted in the holding device and also the method wherein the holding device is inserted into the bore prior to the insertion of the bolt. As seen in the embodiment of Figs. 11 and 12, the ends of the holding device are "substantially" identical and there is nothing which would preclude it being inserted at either end.

Claims 1, 4, 7, 11, 12, 15, 18, 21, 22 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwarz (US 6,409,446). Schwarz discloses a holding device (1) in combination with a bolt (3, see Fig. 3) including a body (1, Fig. 1) having a bore. The holding device is made a flexible plastic and is in the shape of a cylindrical sleeve received in the bore and includes an annular bead (not labeled) extending circumferentially inwardly from a central location on the inner surface of the sleeve. The bead is shown to be connected to the inner surface by a thinner web which forms a hinge.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun as applied to claims 1 and 15 and further in view of Russell (US 6,705,369). Braun does not disclose both ends being chamfered. Russell discloses a holding device wherein in the embodiment of Fig. 2 teaches to have both ends chamfered. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to have both ends of the holding device of Braun chamfered as disclosed in Russell because Russell teaches the equivalence of both ends (Fig. 2) and only one end (Fig. 3) chamfered. Having both end in Braun chamfered would allow for easy insertion and removal.

Claims 1, 3, 6, 7, 11, 14, 15, 17, 20 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Forbes (US 1,697,814). Forbes discloses a holding device (11) for holding a piece (shown in phantom) comprising and body (11) having a bore (23). The holding device is made a flexible plastic and is in the shape of a cylindrical sleeve with identical chamfered ends (25) enabling the body to be received in the bore (17) in a bore from either end and includes an annular bead (27) extending circumferentially inwardly from a central location on the inner surface of the sleeve. The

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bead is shown to be rectangular in cross section (see Fig. 3) and since the bead is capable of being bending where it engages the inner surface, it is considered to be hinged. Forbes discloses the flexible material to be rubber and does not disclose a flexible plastic. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the rubber with a flexible plastic since plastic is a well known substitute for rubber since it is generally more economical.

Claims 2, 4, 15, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US 1,800,578) as applied to claims 1, 7, 11 and 15. Forbes does not disclose the web including a thin web or circular portion. Webb discloses a similar holding device (2, 4) which and includes an annular bead (24) extending circumferentially inwardly from a central location on the inner surface of the sleeve. The bead is shown to be circular in cross section and is connected to the inner surface of the sleeve by a thin web (22). At the time the invention was made it would have been obvious for one of ordinary skill in the art to shape the bead shown in Forbes with a shape as disclosed in Webb since the bead as disclosed in Webb provides better engagement with the piece inserted therein.

***In response to Remarks:***

Applicant's remarks have been considered and addressed by the new rejections presented above and therefore no further response is believed necessary.

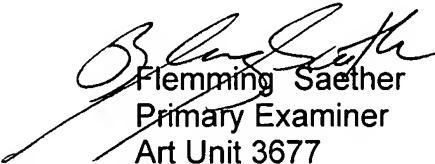
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
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